

REMARKS

The Examiner rejected all claims under either 102(e) or 103(a) over a single reference, 6,529,725 to Joao et al. applicants disagree.

Claims 1 and 23 call for the payment transaction to be authorized by a wireless device. In addition, the claim makes clear that this authorization must be effected by user input to a computation entity via the wireless device. The prior art reference cited by the Examiner is not believed to teach these features.

Claim 23 was also rejected as single means claim. Applicants believe that such claims should not be rejected under In re Hyatt since they are to be interpreted under 35 U.S.C. sec. 112, paragraph 6 to cover all embodiments disclosed in the specification and equivalents thereof. See also In re Donaldson 16 F.3rd. 1189 (Fed. Cir. 1994) regarding how the patent office is to interpret these claims. In re Donaldson was decided after In re Hyatt and is believed to make rejections based on it improper.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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